

United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,383	12/17/2	001	Hsien-Jue Chu	AM100249	3951
25291 WYETH	7590	02/02/2007		EXAM	INER
PATENT LAW 5 GIRALDA F		DEVI, SARVAMANGALA J N			
MADISON, NJ				ART UNIT	PAPER NUMBER
				1645	
				MAIL DATE	DELIVERY MODE
				02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance: (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114). (c) A reply was received on but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the nonfinal rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below). (d) No reply has been received. 2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85). (a) The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85). (b) The submitted fee of \$ is insufficient. A balance of \$ is due. The issue fee and publication fee, if applicable, has not been received. 3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37). (b) The supposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply. (b) No corrected drawings have been received. 4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants. 5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filling of a continuing application. 6. The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of		Application No.	Applicant(s)
Examiner S. Devi, Ph.D. 1645 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address— This application is abandoned in view of:	Notice of About warmen	10/039.383	CHU ET AI
The MAILING DATE of this communication appears on the cover sheet with the correspondence address— This application is abandoned in view of:	Notice of Abandonment		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address— This application is abandoned in view of:		S. Devi. Ph.D	1645
This application is abandoned in view of:	The MAILING DATE of this communication ap		<u></u>
 (a) A reply was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply (including a total extension of time of month(s)) which expired on (b) A proposed reply was received on, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114). (c) A reply was received on to the does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below). (d) No reply has been received. 2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85). (a) The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85). (b) The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$ (c) The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$ (d) The issue fee and publication fee, if applicable, has not been received. (e) The issue fee and publication fee, if applicable, has not been received. (f) The letter of express abandonment which is signed by the attorney or agent (acting in a representative capacity under 37 CFR 1.32(a) upon the	•		·
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S. DEVI, PH.D. PRIMARY EXAMINER Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term. S. Patent and Trademark Office TOL 1.432 (Peru Al 0.1)	On 11/20/06, Applicants filed papers withdrawing the of the refiling as a continuation application. The time	ne appeal to the Board of Patent A e to file an RCE has been expired	Appeals and Interferences in light I. See Attachment.
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	I.S. Patent and Trademark Office	of Abandonment	Part of Paper No. 200702

	Application No.	Applicant(s)
	10/039,383	CHU ET AL.
Communication Re: Appeal	Examiner	Art Unit
	S. Devi, Ph.D.	1645
The MAILING DATE of this communication a	opears on the cover sheet	with the correspondence address
1. The Notice of Appeal filed on is not	acceptable because:	
(a) it was not timely filed.		
(b) the statutory fee for filing the appeal	was not submitted. See 37 (CFR 41.20(b)(1).
(c) the appeal fee received on wa	s not timely filed.	
(d) the submitted fee of \$ is insuffice	cient. The appeal fee require	d by 37 CFR 41.20(b)(1) is \$
(e) the appeal is not in compliance with 3	37 CFR 41.31(a)(1) in that no	claim has been twice rejected.
(f) a Notice of Allowability, PTO-37, was	mailed by the Office on	
2. The appeal brief filed on is NOT acc	eptable for the reason(s) ind	icated below:
(a) the brief and/or brief fee is untimely.	See 37 CFR 41.37(a).	
(b) the statutory fee for filing the brief has	s not been submitted. See 3	7 CFR 41.20(b)(2).
(c) the submitted brief fee of \$ is in	nsufficient. The brief fee requ	uired by 37 CFR 41.20(b)(2) is \$
The appeal in this application will be dismisse brief and requisite fee. See 37 CFR 41.37(a)(1). See 37 CFR 41.37(e).	d unless corrective action . Extensions of time may b	is taken to timely submit the e obtained under 37 CFR 1.136(a).
3. The appeal in this application is DISMISSE	D because:	
(a) the statutory fee for filing the brief as period for obtaining an extension of ti	required under 37 CFR 41.20 me to file the brief under 37	O(b)(2) was not timely submitted and the CFR 1.136(a) has expired.
(b) the brief was not timely filed and the pCFR 1.136(a) has expired.		
(c) a Request for Continued Examination	(RCE) under 37 CFR 1.114	was filed on
(d) other: On11/20/06, Applicants filed pa Interferences.	pers withdrawing the appea	to the Board of Patent Appeals and
4. Because of the dismissal of the appeal, this	application:	
(a) X is abandoned because there are no a	llowed eleims	

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on the merits remains CLOSED.

(c) is before the examiner for consideration.

Part of Paper No. 200702

S. DEVI, PH.D.

(b) \Box is before the examiner for final disposition because it contains allowed claims. Prosecution